

Steve Ledoux

2/3/10

(18)

From: Robert Craig
Sent: Wednesday, February 03, 2010 2:43 PM
To: Steve Ledoux
Subject: RE:

Steve,

We had the opportunity and were fortunate enough to obtain a federal grant for 90% of the purchase price of new, state of the art Self Contained Breathing Apparatus (SCBA) units. We applied for the grant, knowing that it was one of the priority items for acquisition at that time. Our older units required some repair, modification, etc. The new units also have included new technology to allow us to search for a firefighter by tracking the SCBA unit within a structure, should a firefighter become lost or trapped. This new technology is only in use by a few departments within the state. In completing the purchase of this new equipment, Boxborough Fire learned of this fact and requested our old equipment as our vendor was only going to take it, crush it and put it out of service. Boxborough Fire has indicated that our equipment, even as old as it is, is better than the equipment they currently have in use. They plan to take our old equipment, have it refurbished as necessary, have it re-inspected and then placed back into service until such time as they apply for a grant to completely replace the refurbished equipment.

Bob

Robert C. Craig
Fire Chief
Acton Fire Department
978-264-9645
978-266-2885(FAX)

From: Steve Ledoux
Sent: Wednesday, February 03, 2010 11:33 AM
To: Robert Craig
Subject:

Bob

I am sure the equipment going to Boxboro will have some discussion Monday night. I think the primary question is why is the equipment not good enough for us but good enough for them.

Steven L. Ledoux
Town Manager
472 Main St
Acton, MA 01720
Telephone:(978) 264-9612
Fax: (978) 264-9630

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

2/3/2010

CONVEYANCE OF SURPLUS EQUIPMENT AND GENERAL RELEASE

WHEREAS the Town of Acton ("Acton") has certain surplus fire-fighting equipment, including thirty-four (34) Scott 4.5 Air-Pak Assemblies (otherwise known as "SCBAs") with regulators (not including the air cylinders) and seventy-five (75) AV-2000 Scott Face Pieces, as listed on Exhibit A (collectively the "Equipment").

WHEREAS Acton has retired the Equipment and the Equipment has no surplus value to Acton.

WHEREAS the Town of Boxborough ("Boxborough") wants to obtain the Equipment at no cost for its own use on the terms and conditions set forth in this instrument (the "Release").

NOW THEREFORE Acton and Boxborough agree as follows:

1. In return for the General Release set forth herein, Acton conveys all of its right, title and interest in the Equipment to Boxborough at no cost, in the Equipment's as is condition, and without any representations or warranties whatsoever as to the condition of the Equipment.
2. Boxborough accepts all right, title and interest in the Equipment in its as is condition and without any representations or warranties whatsoever as to the condition of the Equipment. Boxborough agrees to comply with all applicable laws and any manufacturers' instructions with respect to the use, handling maintenance and storage of such equipment.
3. In consideration of the foregoing, Boxborough on behalf of itself and its boards, commissions, departments, officials, employees, agents, contractors, and affiliates (collectively the "Releasor") does hereby forever release, acquit, remise, discharge and hold harmless Acton and its boards, commissions, departments, officials, employees, agents, contractors, and affiliates (collectively the "Releasee") of and from any and all claims, causes of action, damages, and liabilities of every kind and nature whatsoever whether or not such claims are now known or unknown, from the beginning of the word until the end of time, that in any way arise out of, relate to, are associated with, or derive from the ownership, use, maintenance, handling, storage or condition of the Equipment.
4. The Releasor explicitly accepts and assumes all risks associated with the ownership, use, maintenance, handling, storage and condition of the Equipment.
5. The Releasor acknowledges, agrees and represents that (a) it has been represented and advised by independent counsel with respect hereto; (b) it has determined that this Release and the consideration received hereunder are fair and reasonable under all of the circumstances; (c) this determination has been based solely upon its independent judgment after consulting with its counsel, and (d) in making this

determination, it has had an adequate opportunity to evaluate and assess the merits of this Release.

IN WITNESS WHEREOF, our hands have caused this Release to be executed under seal this ____ day of January, 2010.

Steven Ledoux, Acton Town Manager

Selina Shaw, Boxborough Town
Administrator

APPROVED BY: Board of Selectmen of
the Town of Acton

Paulina Knibbe, Chair

Peter Berry, Vice Chair

Lauren Rosenzweig, Clerk

Terra Friedrichs, Member

Michael Gowing, Member

APPROVED BY: Board of Selectmen of
the Town of Boxborough

Rebecca Neville, Chair

Leslie Fox, Member

Frank Powers, Clerk

Raid Suleiman, Member